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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,289	09/08/2003	Timothy Hewitt	60340-043	1379

27305 7590 10/25/2004

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EXAMINER

PETERSON, KENNETH E

ART UNIT PAPER NUMBER

3724

DATE MAILED: 10/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,289

Applicant(s)

HEWITT ET AL.

Examiner

Kenneth E Peterson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Claims 1,2 and 3 are objected to because of the following informalities:

On line 10 of claim 1, "slot" should be --slots--.

On line 3 of claim 2, the term "said fence" lacks proper antecedent basis.

On line 2 of claim 3, the term "said fence face" lacks proper antecedent basis.

Appropriate correction is required.

2. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

On lines 6-8 of claim 1, the phrase "studs projecting outwardly from said sides each to a head spaced from said first side" is confusing. If the studs are projecting from the *sides* (both sides), then how do the projections wind up only at heads on the first side?

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al.'642, who shows a fence assembly having most of the recited limitations including slidable fence beam (104) and studs (150) that stick out both sides of the fence beam. Miller also shows a first fence face (132 in figure 1) and a second fence face (132 in

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figure 2). Obviously, Miller could have two fence faces mounted simultaneously as well, since the courts have ruled that it is obvious to have redundant parts (St. Regis Paper Co. vs Bemis Co. Inc 193 USPQ 8,11).

Miller's studs mate with his fence faces via a head and slot, but not a keyhole shaped slot. Examiner takes Official Notice that it is well known to employ stud heads and keyhole slots when connecting machine parts together. An example of such is the patent to Persson '221, best seen in figures 7 and 9. Some examples from the saw table art are the patents to Sellmeyer '458 (78) and Cox '245 (lines 13,14, column 6). It would have been obvious to one of ordinary skill in the art to have modified Miller by making the fence face connections employ keyhole slots engaging the stud heads, as is well known and taught by Persson, Sellmeyer and Cox, since this is an art recognized equivalent known for the same purpose of connecting machine parts together.

In regards to claim 3, it is not clear if Miller's fence face is taller than his fence beam. Examiner takes Official Notice that such is well known. For example, see the patent to Collignon '692 (9,21). It would have been obvious to one of ordinary skill in the art to have made the fence face taller than the fence beam, in order to have a sufficiently large guiding face for the workpiece.

In regards to claims 4, Miller's fence face is made out of metal.

In regards to claims 5 and 6, Examiner takes Official Notice that it is well known for fence faces to be made out of wood or plastic. See for example Collignon '693 (21). It would have been obvious to one of ordinary skill in the art to have made the fence

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face out of wood or plastic, as is well known or taught by Collignon, in order to save production costs.

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

6. Made of record but not relied on is a patent to Ramirez showing a detachable fence face.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Peterson whose telephone number is 703-308-2186. Effective on about 16 November 04, the phone number will change to 571-272-4512. The examiner can normally be reached on Monday thru Thursday between 7am and 4pm.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9306. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

kp
October 21, 2004



KENNETH E. PETERSON
PRIMARY EXAMINER